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PRELIMINARY REPORT:

A COMPARATIVE ANALYSIS OF
DRIVING UNDER THE INFLUENCE OF LIQUOR
January-June, 1982 & 1983

GOVERNMENT DOCUMENTS
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COMPARATIVE ANALYSIS: DRIVING UNDER THE INFLUENCE OF LIQUOR ACTIVITY
January-June, 1983 and 1982

INTRODUCTION

Penalties for drunk driving in Massachusetts have undergone substantial changes during the last year. The aim of this report is to compare arraignment and disposition statistics for Driving Under the Influence of Liquor cases in the Commonwealth during the first six months of 1982 and 1983. The purpose of compiling this comparative data was to assess what impact (if any) the new Driving Under the Influence of Liquor (DUIL) law (Chapter 373 of the Acts of 1983, effective September 1, 1982) has had on the volume of arraignments and range of dispositions for drunk drivers.

Under the previous Driving Under the Influence of Liquor statute (Chapter 505 of the Acts of 1975), a judge could place a person on probation for a year with a special condition which required that the person attend an Alcohol Education Program and pay a program fee. Effective September 1st, the drunk driver penalties in Massachusetts were modified through enactment of the new law (Chapter 373). The new law required, upon the plea or finding of guilty, that the person complete two years of probation with one condition of probation being the participation in a Drivers Alcohol Education Program (treatment or residential). Moreover, there is a 30-day suspension of the license to operate as well as required program payments and additional court fees associated with the Driving Under the Influence of Liquor offense. Furthermore, where a person has been charged with drunk driving and the case is "Continued Without a Finding", a review hearing is held to report on the defendant's driving record since the completion of the person's program placement.

Given the fact that Chapter 373 requires a new range of criminal penalties, one would expect to see a substantial shift in dispositions when the first six months of 1982 (prior to the change in the law) and first six months of 1983 (after the change in the law) were compared. This report aims to offer a preliminary look at the nature of those shifts.

METHOD

Data for this report are based on the Monthly Report of Probation Activities (MRPA). Each month, all District Courts and the Boston Municipal Court submit monthly reports to the Office of the Commissioner of Probation in Boston. The Monthly Reports of Probation Activities include data on arraignments and dispositions for drunk driving.

Because earlier unpublished research from the Office of the Commissioner of Probation has found that nearly 77% of the drunk driving arraignments are disposed of in court within 3 months and almost 94% within 9 months, the probability was high that the January-June, 1983



dispositions included few cases arraigned prior to September, 1982. Therefore, this study presumes that the dispositions reported in January-June, 1982 reflect dispositions under the "old" drunk driving law, while the dispositions reported in January-June, 1983 reflect dispositions under the "new" drunk driving law.

ANALYSIS

Statewide arraignments for drunk driving increased only slightly (+1.2%) when the first six months of 1982 and 1983 were compared. The ratio of males to females (90% males, 10% females) remained constant in both six month periods.

While statewide arraignments did not show any substantial shifts from 1982 to 1983, the range of dispositions did change in two significant areas:

- * the percentage of cases being found "Guilty" increased 82.2% from 2,745 statewide during the first six months of 1982 to 5,001 during the first six months of 1983. While "Guilty" findings accounted for 22.0% of the dispositions in 1982, they represented 37.4% of the drunk driver dispositions in 1983.
- * the percentage of cases being "Continued Without a Finding" decreased 16.4%, from 8,995 during the first six months of 1982 to 7,523 during the same period in 1983. While "Continued Without a Finding" accounted for 71.9% of the 1982 dispositions, less than 57% of the 1983 drunk drivers statewide received this case outcome.

Of note is the consistency of "Not Guilty" findings when the two six month periods were compared. In 1982, 6.0% of the drunk driver defendants were found not guilty, compared to 6.3% in 1983.

SUMMARY

The Monthly Report of Probation Activities data compiled for the January-June, 1982 and January-June, 1983 periods suggest some impact on the range of dispositions for drunk driving, due to the enactment of Chapter 373.

With little change in the statewide volume of drunk driver arraignments, Guilty findings seem to be increasing in frequency, while cases Continued Without a Finding appear to be decreasing. No change was found in the frequency of Not Guilty findings.



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COMMONWEALTH OF MASSACHUSETTS
 OFFICE OF THE COMMISSIONER OF PROBATION
 DRIVING UNDER THE INFLUENCE OF LIQUOR

DISTRICT & BOSTON MUNICIPAL
 COURT DEPARTMENTS

JANUARY-JUNE 1982 vs. 1983

SOURCE: Management
 Information System

INDIVIDUALS ARRAIGNED

CASE DISPOSITION OR STATUS

COURT	1982		1983		1982 Totals	1983 Totals	1982 N.O.	1983 N.G.	1982		1983		1982 CWOFF	1983 CWOFF	1982 Totals	1983 Totals
	Female	Male	Female	Male					Guilty	Guilty	Guilty	Guilty				
ADAMS	10	40	4	29	50	33	10	1	8	4	28	30	46	35		
AMESBURY	20	149	40	204	169	244	1	6	49	37	75	111	125	154		
ATTLEBORO	34	377	32	275	411	307	17	11	64	54	245	183	326	245		
AYER	15	225	25	262	240	287	5	11	65	64	148	158	221	233		
BARNSTABLE	76	384	89	402	454	491	12	27	155	157	251	282	418	466		
BOSTON	6	113	6	116	119	121	8	7	16	15	38	43	62	67		
BRIGHTON	7	101	10	95	108	165	5	10	20	27	82	80	107	117		
BROCKTON	59	403	58	444	462	502	16	11	71	182	265	255	352	448		
BROOKLINE	10	118	18	138	128	156	3	0	7	18	39	135	49	153		
CAMBRIDGE	36	281	38	301	317	339	17	14	68	79	188	160	273	253		
CHARLESTOWN	7	95	5	125	102	130	0	0	5	9	39	76	44	85		
CHELSEA	41	495	52	455	536	507	16	23	89	103	175	258	280	384		
CHICOPEE	12	74	12	75	86	87	12	17	30	17	56	61	98	95		
CLINTON	16	185	26	170	201	196	24	36	39	59	120	105	173	200		
CONCORD	50	388	29	351	438	380	7	3	89	57	238	250	334	310		
DEDHAM	44	306	38	422	350	460	5	22	61	72	332	298	398	392		
DORCHESTER	10	128	8	166	138	174	0	2	7	7	123	110	130	119		
DUDLEY	21	225	30	212	246	242	0	7	22	47	2	0	24	54		
EAST BOSTON	7	44	8	54	51	62	1	2	9	20	24	27	34	49		
EDGEMONT	2	57	9	48	59	57	3	6	2	9	30	37	35	52		
FALL RIVER	16	235	18	242	251	260	11	18	27	103	0	36	38	157		
FITCHBURG	41	132	9	71	173	80	18	18	61	83	95	26	174	127		
FRAMINGHAM	56	390	67	376	446	443	23	31	44	74	365	333	432	438		
GARDNER	12	112	13	128	124	141	15	22	31	99	58	16	104	137		

INDIVIDUALS ARRAIGNED

CASE DISPOSITION OR STATUS

COURT	1982 Female	1983 Female	1982 Male	1983 Male	1982 Totals	1983 Totals	1982 N.O.	1983 N.G.	1982 Guilty	1983 Guilty	1982 CWOF	1983 CWOF	1982 Totals	1983 Totals
GLOUCESTER	17	22	108	148	125	170	4	4	27	29	61	86	92	119
GRT. BARRINGTON	1	5	35	29	36	34	0	0	11	25	50	14	63	39
GREENFIELD	9	18	120	141	129	159	3	7	45	25	70	56	118	88
HAVERHILL	23	23	224	172	247	195	8	14	22	1	123	123	153	138
HINGHAM	56	54	389	405	445	459	7	31	55	143	194	186	256	360
HOLYOKE	8	18	84	120	92	138	5	12	12	74	2	47	19	133
IPSWICH	2	2	25	43	27	45	1	0	13	19	16	15	30	34
LAWRENCE *	69	53	559	584	628	637	N/A	N/A	N/A	N/A	338	39	338	39
LEE	8	5	54	40	62	45	1	3	9	25	40	2	50	30
LEOMINSTER	18	13	151	104	169	117	4	6	197	16	275	70	473	92
LOWELL	48	61	494	492	542	553	5	9	50	216	159	310	214	535
LYNN	43	48	278	288	321	336	5	2	49	26	80	167	134	195
HALDEN	4	6	288	239	292	245	3	2	20	34	166	164	189	200
HARLBORO	18	17	152	131	170	148	1	5	31	26	99	95	131	126
MILFORD	20	25	203	145	223	170	7	16	27	28	144	88	178	132
HANTUCKET	1	3	30	44	31	47	1	4	4	6	22	19	27	29
NATICK	8	6	72	79	80	85	1	1	10	41	38	21	49	63
NEW BEDFORD	20	27	159	241	179	268	6	7	37	41	134	121	177	169
NEWBURYPORT	19	11	181	162	200	173	5	6	44	39	132	102	181	147
NEWTON	11	10	145	114	156	124	0	6	28	58	101	103	129	167
NORTH ADAMS	3	7	82	91	85	98	1	3	13	63	81	146	95	212
NORTHAMPTON	50	40	332	375	382	415	7	32	58	246	152	65	217	337
ORANGE	11	6	38	61	49	67	2	3	10	17	32	57	44	77
ORLEANS	25	20	191	176	216	196	10	6	30	103	88	2	138	88

* Lawrence District Court Case Disposition Statistics Not Available

